

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kin-Wah Tong on 01 June 2011.

The application has been amended as follows:

IN THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) A system for making quality measurements in a network having a plurality of routers for routing traffic through the network, the system comprising:

a hardware server, wherein the hardware server is configured to:

take measurements on each path of all paths within the network, wherein the each path is between a pair of routers from the plurality of routers;

determine paths of the all paths within the network that have data related to the measurements that falls below a target value;

determine a particular router of the plurality of routers that is associated with the paths that have data related to the measurements that falls below the target value;

determine if the particular router is a connection point for two or more of the paths that have data related to the measurements that falls below the target value; and

charge, after it is determined that the particular router is the connection point for two or more of the paths that have data related to the measurements that falls below the target value, a single degradation against the particular router of the plurality of routers even though the particular router is responsible for multiple path failures and tracking a number of degradations for each one of the plurality of routers in the network over a period of time.

2. (Previously Presented) The system of claim 1, wherein the network is a voice over internet protocol network.

3. (Original) The system of claim 1, wherein the data related to the measurements is an R-Factor.

4. (Original) The system of claim 1, further comprising a manual mechanism for entering information into a matrix.
5. (Previously Presented) The system of claim 4, wherein the information comprises an indication of a nature of the problem.
6. (Original) The system of claim 4, wherein the matrix includes a matrix of source routers and destination routers.
7. (Previously Presented) The system of claim 6, wherein the matrix includes set events and clear events for one of the source routers and one of the destination routers.
8. (Previously Presented) A method of making quality measurements in a network, the method comprising:
 - monitoring an R-Factor for each path of all paths within the network, wherein the each path is between a pair of routers;
 - tracking a path that exhibits the R-Factor below a target value;
 - tracking a start time indicating when the R-Factor of the path falls below the target value;
 - tracking an end time indicating when the R-Factor of the path rises above the target value;
 - determining if an overlap exists between the start time and the end time for multiple paths connecting to a particular router;
 - charging the particular router connected to the multiple paths with one degradation if the overlap exists;
 - charging the particular router with each degradation connected to the multiple paths if the overlap does not exist; and
 - tracking a number of degradations for each router of all routers in the network over a period of time.

9. (Original) The method of claim 8, wherein the target value is 70.
10. (Previously Presented) The method of claim 8, further comprising entering the start time as a set event in a matrix.
11. (Previously Presented) The method of claim 8, further comprising entering the end time as a clear event in a matrix.
12. (Currently Amended) A hardware server for making quality measurements in a network comprising[[,]] the hardware server configured to:
 - take measurements on each path of all paths within the network, wherein the each path is between a pair of routers from the plurality of routers;
 - determine paths of the all paths within the network that have data related to the measurements that falls below a target value;
 - determine a particular router of the plurality of routers that is associated with the paths that have data related to the measurements that falls below the target value;
 - determine if the particular router is a connection point for two or more of the paths that have data related to the measurements that falls below the target value; and
 - charge, after it is determined that the particular router is the connection point for two or more of the paths that have data related to the measurements that falls below the target value, a single degradation against the particular router of the plurality of routers even though the particular router is responsible for multiple path failures and tracking a number of degradations for each one of the plurality of routers in the network over a period of time.
13. (Currently Amended) The hardware server of claim 12, wherein the network is a voice over internet protocol network.

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14. (Currently Amended) The hardware server of claim 12, wherein the data related to the measurements is an R-Factor.

15. (Currently Amended) The hardware server of claim 12, further comprising a manual mechanism for entering information into a matrix.

16. (Currently Amended) The hardware server of claim 15, wherein the information comprises an indication of a site where a problem occurs.

17. (Currently Amended) The hardware server of claim 15, where the information further comprises an indication of a nature of the problem.

18. (Currently Amended) The hardware server of claim 15, wherein the matrix includes a matrix of source routers and destination routers.

19. (Currently Amended) The hardware server of claim 18, wherein the matrix includes set events and clear events for one of the source routers and one of the destination routers.

20. (Currently Amended) The hardware server of claim 15, wherein the information comprises an identifier of an individual who reports the problem.

Allowable Subject Matter

1. In amended claim(s) 1, 12-20, the amendment “hardware server” has been made in order to solve a 35 USC 101 issue in light of the silence of the instant application in regards to whether server alone could refer to software per se. Thus, claim(s) 1-20 are allowable over USC 101, since amended claim recites, *inter alia*, “hardware server.”
2. The amendment has also solved some 112 issues that arose. In claim 12, the amendment solves an issue of ambiguous transitional phrase “configured to” by amending to recite “A hardware server for making quality measurements in a network comprising[[,]] the hardware server configured to:”. Claim 12 also had a 112 6th paragraph issue of ambiguity as to whether the claim was a means plus function owing to the fact that the original claim lacked structure in the body of the claim. Claim 1 had an ambiguity as to whether the claim was a single means claim due to the single mention of server in the body. The amendment of “hardware server” adds sufficient structure to the claims to solve these 112 6th paragraph issues.
3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The new art provides updates as to the background of the claims as currently drawn.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELVIN H. POLLACK whose telephone number is (571)272-3887. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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